

OP-21.03, "Interstate Corrections Compact," November 1, 2004

SCDC POLICY/PROCEDURE

NUMBER:OP-21.03

TITLE:INTERSTATE CORRECTIONS COMPACT

ISSUE DATE: NOVEMBER 1, 2004

RESPONSIBLE AUTHORITY: DIVISION OF CLASSIFICATION AND INMATE RECORDS

OPERATIONS MANUAL: OPERATIONS

SUPERSEDES:OP-21.03 (January 1, 2002); Change 1 (March 4, 2003)

RELEVANT SCDC FORMS/SUPPLIES: 18-34, 19-100

ACA/CAC STANDARDS:3-4182

STATE/FEDERAL STATUTES: Articles I through X, Section 24-11-10 et seq., South Carolina Code of Laws, 1976, as amended (also referred to as the Interstate Corrections Compact)

PURPOSE: To establish guidelines for the administration of the Interstate Corrections Compact within the South Carolina Department of Corrections.

POLICY STATEMENT: To promote the safety and security of the SCDC, the Agency will provide for the interstate transfer of inmates to and from the South Carolina Department of Corrections in compliance with the requirements of the Interstate Corrections Compact. (3-4182)

Change 1 to "OP-21.03 are at sections paragraph 3.1.8 and 3.1.9 paragraph #3.13 and 3.14

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1. RESPONSIBILITIES:

1.1 The Interstate Corrections Compact will be administered by the ICC Coordinator (designated State Classification Committee Member) under the supervision of the Chairman of the State Classification Committee (SCC) of the Division of Classification and Inmate Records. The Chairman, SCC, will ensure

that an equitable exchange exists between South Carolina and other signatory states.

1.2 Procedures as defined in Articles I through X of the South Carolina Code of Laws, 24-11-10 et seq., will be adhered to in the administration of the Interstate Corrections Compact; and all contractual agreements will be reviewed by General Counsel and the Agency Director. Inmates sentenced under the Youthful Offender Act are not eligible for interstate transfers due to the short amount of time that they normally serve and due to the lack of similarly legislated programs in other states.

2. SECURITY/TRANSPORTATION: Wardens, Division of Security personnel, and the Extradition Officer will provide appropriate interstate transportation and security officers for the transfer of inmates from SCDC institutions in compliance with related SCDC policies/procedures addressing the transportation of inmates when required. (3-4182)

3. SOUTH CAROLINA AS SENDING STATE - VOLUNTARY TRANSFER: When an inmate voluntarily requests to be transferred from South Carolina to another state, the exchange procedures below are to be followed:

3.1 Any inmate applying for an Interstate Corrections Compact transfer must meet the following criteria:

3.1.1 must confirm with classification caseworker that the state is a member of the compact;

3.1.2 must have immediate family in the state to which s/he is requesting to be transferred;

3.1.3 must have at least two (2) years remaining to serve on his/her current (or consecutive) sentence (to include both projected max-out and parole eligibility dates);

3.1.4 must have served at least six (6) months within the South Carolina Department of Corrections;

3.1.5 must not have post-conviction relief hearings pending;

3.1.6 must not have a detainer (wanted, hold, or notify) except in the state to which s/he is requesting to be transferred; and

3.1.7 must not have had a disciplinary conviction of any type or an administrative transfer for security reasons within the past six (6) months.

3.1.8 must not have been a previous participant in the ICC program and was not returned to SCDC for any disciplinary/behavior reasons, or as a result of the inmate's request.

3.1.9 must waive the right to return to SCDC for the purpose of appearing before the parole board.

3.2 The inmate may request a transfer to his/her home state by submitting a completed SCDC Form 19-100, "Interstate Corrections Compact Application," to the appropriate Classification Caseworker. The inmate will be required to sign the "consent for transfer" and "waiver for hearing" sections on the form. Other

information to be provided includes, but is not limited to: names, addresses, and relationships of immediate family members in the requested state.

3.3 Any inmate approved for a voluntary transfer from South Carolina to another state will be responsible for paying the costs of transportation as determined by the South Carolina Department of Corrections. The inmate must sign a statement that says s/he will pay these costs before the application will be processed. Funds to cover these costs must be in the inmate's E.H. Cooper account in accordance with SCDC Policy/Procedure ADM-15.12, "E.H. Cooper Trust Fund," prior to the actual transfer. The ICC Coordinator or designee will be responsible for determining transportation costs and providing that information to the inmate.

3.4 The Institutional Classification Committee (ICC) will review the inmate's institutional record to determine the inmate's progress and probable effect of such a transfer on the inmate's classification plan.

3.5 Upon approval by the ICC, the Classification Caseworker will forward the transfer request to the ICC coordinator or designee. A copy of this request will be filed in the inmate's institutional record.

3.6 Upon review and approval of the submitted application, the ICC coordinator or designee will determine if South Carolina has a contract with the requested state. If a contract has been signed and is valid, the ICC coordinator or designee will forward a completed copy of the inmate's Central and medical records to the requested state for review and approval/disapproval. The inmate will be advised of this action.

3.7 Upon notification of disposition (approval/disapproval) from the requested state, the ICC coordinator or designee will advise the inmate and, if the request has been approved, will make transportation arrangements with the receiving state.

3.8 If an inmate is approved for an interstate transfer and the requested state is not a member, the inmate will be advised in writing by the ICC coordinator or designee.

3.9 If an inmate is approved for an interstate transfer and the requested state is a member of the Compact by an agreement with South Carolina, but is not active, the ICC coordinator or designee will make a reasonable effort to implement such an agreement.

3.10 The receiving state will submit an initial classification summary to South Carolina within ninety (90) days of the receipt of the inmate and thereafter will submit a classification progress report semi-annually. The ICC coordinator or designee will review the reports, make any necessary changes in the Earned Work Credit section of the inmate's automated record, and submit reports for file in the inmate's central record.

3.11 Transfer under the provisions of the Interstate Corrections Compact will not affect the release or parole date as determined by the State of South Carolina, except as applicable to any normal earned work credit changes or disciplinary actions. Inmates who serve South Carolina sentences in other states may be awarded earned work credits and/or earned educational credits as determined by the Division Director of

Classification and Inmate Records, based upon information furnished by the other state's corrections department.

3.12 Pursuant to procedures regarding Interstate Corrections Compact (ICC) transfers, inmates who transfer under the ICC do so at their own request and are not eligible for inmate pay from SCDC while at the receiving state. If the inmate is returned to SCDC for administrative reasons, s/he may be assigned to a job and receive inmate pay provided such is allowed by policies/procedures governing inmate pay.

3.13 An SCDC inmate that was transferred to another state as a result of an Interstate Corrections Compact transfer may request to be returned to the SCDC. The inmate must clearly state his/her reasons for requesting their return to the SCDC. If this request is approved, the inmate will be responsible for all expenses incurred in facilitating this request. Once returned to the SCDC, the inmate will be ineligible for future ICC transfers, under this incarceration or future incarcerations.

3.14 If any inmate is disapproved by the SCDC or the requested state, for an Interstate Corrections Compact, s/he may reapply six (6) months after the date of disapproval if all other requirements cited in Procedure 3.1, above, are met.

4.SOUTH CAROLINA AS SENDING STATE - INVOLUNTARY TRANSFER: When an inmate is to be involuntarily transferred from the SCDC to another state, the procedures below will be followed:

4.1 The Warden may request that an inmate be considered for an involuntary transfer to another state. This request would normally be based upon a need by the inmate for protection beyond that which is available within this state, or based upon the inmate's being a management problem in SCDC, or in the interest of rehabilitation (i.e., to provide an inmate a fresh start in another prison system). The inmate should not have any post-conviction relief hearings pending or detainers.

4.2 The Classification Caseworker will forward the request for the involuntary transfer to the ICC coordinator or designee.

4.3 The Classification Caseworker will serve written notice (SCDC Form 18-34, "48 Hour Notice") upon the inmate at least 48 hours prior to the ICC hearing, advising the inmate that s/he:

4.3.1 is being considered for an involuntary transfer to another state prison system under the Interstate Corrections Compact (NOTE: A detailed memorandum outlining the reasons for the transfer will be included in the written notice with a copy to the inmate, and will also be read to the inmate at the hearing.);

4.3.2 may request a counsel substitute to investigate the reasons for the involuntary transfer and assist in his/her presentation at the hearing;

4.3.3 has the right to be present at this hearing and that a taped recording of the hearing and State Classification Committee deliberations will be maintained for six (6) years;

4.3.4 may offer witnesses on his/her behalf as to why s/he should or should not be granted such a transfer (NOTE: The ICC coordinator or designee may limit the number of witnesses and rule on issues of relevancy. Reasons will be documented as to why certain evidence or witnesses were not admitted into the record.);

4.3.5 may cross-examine witnesses offered against him/her, if any;

4.3.6 will have an opportunity to be heard; and

4.3.7 will be advised by memorandum of the State Classification Committee's findings.

4.4 The ICC Coordinator or designee will, within three (3) working days after the hearing, submit a report to the Division Director of Classification and Inmate Records recommending approval or denial of the interstate transfer. This report will be in memorandum format and will contain explicit reasons why such transfer should or should not take place. The inmate will be provided a copy of this report.

4.5 If approved, the report will then be submitted to the Division Director of Classification and Compliance. The Division Director of Classification and Compliance will either approve or disapprove the report and submit it to the Division Director of Operations, with an information copy to the ICC coordinator or designee and to the Warden.

4.6 Upon receipt, the Division Director of Operations will either approve or disapprove the recommendation. If the Division Director of Operations recommends approval, s/he will provide a copy of the memorandum and approval to the Division Director of Classification and Inmate Records and instruct him/her that the procedures of the Interstate Corrections Compact are to be utilized and to arrange a transfer as expeditiously as possible.

4.7 The inmate will be advised in writing via a memorandum by the ICC Coordinator or designee of the decision.

4.8 The inmate may appeal any request denial to the Director of the South Carolina Department of Corrections.

4.9 The receiving state will provide a Classification Progress Report (available from the Division of Classification and Inmate Records every six (6) months to SCDC. The progress report will include any changes in Earned Work Credits, custody, disciplinary history, and/or security status.

4.10 Inmates who transfer under the ICC on an involuntary basis are not eligible for inmate pay from SCDC while at the receiving state. If an inmate is returned to SCDC for administrative reasons, s/he may be assigned to a job and receive inmate pay provided such is allowed by policies/procedures governing inmate pay.

5. SOUTH CAROLINA AS RECEIVING STATE: When an inmate voluntarily requests to be transferred to the SCDC or is being recommended for involuntary transfer, the interstate transfer procedures below will be followed:

5.1 Inmate requests for interstate transfer or referrals for involuntary transfer will be forwarded to the ICC coordinator or designee from the appropriate correctional officials of the sending state.

5.2 Requests for transfer to South Carolina must be accompanied by the following:

5.2.1 a complete criminal history record;

5.2.2 institutional and medical records; and

5.2.3 if applicable, a statement from the inmate indicating that the transfer is voluntary.

5.3 The ICC coordinator or designee will review and approve/disapprove each request for transfer to South Carolina based on the information cited in Procedure 5.2.1 through 5.2.3, above.

5.4 The ICC coordinator or designee will, if s/he deems necessary, verify relatives and previous residences in South Carolina and/or contact those relatives to determine reaction to and support for such a transfer.

5.5 The ICC coordinator or designee will advise the sending state of his/her decision and make transporting arrangements if approval is granted. Inmates from other states cannot be guaranteed placement in a specific institution, custody, or program within the SCDC.

5.6 All inmates received under the provisions of the Interstate Corrections Compact will undergo normal intake processing as specified by the ICC coordinator or designee in compliance with SCDC policies and procedures related to reception and evaluation.

5.7 The appropriate Reception and Evaluation Center will forward a complete initial classification summary to the ICC coordinator or designee for submission to the sending state.

5.8 The Central and Institutional records will be compiled and maintained as with any other inmate, except for computation of the parole date and the release date, which will be maintained by the sending state.

5.9 The assigned Classification Caseworker will complete a Classification Progress Report (available from the Division of Classification and Inmate Records) every six (6) months or upon request from the sending state and submit the report to the Chairman, SCC. The Chairman, SCC, will forward the report to the sending state. These reports will give any changes in the inmate's status, i.e., earned work credits, disciplinaries, custody, or security level.

6. DEFINITIONS:

Home State refers to the state in which it has been confirmed that the inmate's immediate family resides.

Immediate Family refers to an inmate's mother, father, children (to include adopted), sister, brother, grandmothers, grandfathers, great-grandmothers, great-grandfathers, wife, husband, common-law spouse, grandchildren, great-grandchildren, stepbrothers, stepsisters, stepparents, foster parents, stepchildren, step grandchildren, half-brothers, half-sisters, and in-laws.

Interstate Corrections Compact refers to an agreement among specific states whereby each of the participating states agrees to provide facilities and programs on the basis of cooperation for the confinement, treatment, and rehabilitation of offenders with the most economical use of human and material resources.

Receiving State refers to the state to which an inmate is sent through an Interstate Corrections Compact transfer other than the state where s/he was convicted and originally confined.

Sending State refers to the state in which the inmate was convicted and is being held.

State Classification Committee (SCC) refers to the Committee within the Division of Classification and Inmate Records that is responsible for processing statewide transfers.

SIGNATURE ON FILE

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Jon E. Ozmint, Director

ORIGINAL SIGNED COPY MAINTAINED IN THE DIVISION OF POLICY DEVELOPMENT.